

Summary of Significant Changes From the 2004 Industrial Storm Water General Permit

This general permit replaces the 2004 ISWGP which was issued for a five-year term on July 1, 2004. Following is a list of significant changes included in the permit as compared to the 2004 permit:

Section 10 - Definitions. Modified the "Industrial activity" definition category 5 (Landfills, land application sites, and open dumps) to add "debris/wastes from DCR VSMP regulated construction activities/sites".

Added definitions for "existing discharger", "impaired water", and "total maximum daily load".

Section 50 - Authorization to discharge.

A 4. Authorized Non-Storm Water Discharges. Deleted the phrase "provided the nonstorm water component of the facility's discharge is in compliance with 9 VAC 25-151-70, Part III D 2".

- A 4 d. Uncontaminated air conditioning or compressor condensate. Added "excluding air compressors".

B. Limitations on coverage.

- B 3 e. Added this new subsection for new dischargers (i.e., those without VPDES permit coverage for their storm water discharges) discharging to impaired waters without an established and approved TMDL, and explaining what those facilities had to do to be allowed to be covered under the general permit.
- B 3 f. Added a sentence to this subsection (Antidegradation Policy - previously was subsection 3 e) clarifying how the Department will address proposed discharges to high quality waters (Tier II) and exceptional waters (Tier III).
- B 5. Added this subsection stating that "Storm water discharges associated with construction activity that are regulated under DCR's VSMP permit program are not authorized by this permit."
- Table 50-1. Sectors of Industrial Activity Covered by This Permit. Removed SIC codes 3271 and 3272 (concrete products facilities) from the list of authorized facilities since they are now covered under their own general permit.

Section 60 - Registration Statement and SWPPP.

A. Clarified that for new facilities the SWPPP must be prepared and implemented prior to the submittal of the registration statement, and that existing permittees who intend to continue coverage under this GP must review and update the SWPPP to meet any new permit requirements by October 1, 2009.

C. Registration Statement Contents. Asked for the name, address, etc. for (1) the site property owner; (2) the operator applying for permit coverage; and (3) the party who will be legally responsible for the permit. Removed the requirement that the applicant tell us if the SWPPP has been prepared. Deleted the topographic map submittal requirement, and required that the SWPPP general location map, and for new facilities the SWPPP site map, be submitted with the registration statement. Existing permittees must submit the SWPPP site map (revised with the new requirements for this reissuance) as soon as possible, but not later than October 1st, 2009. If the applicant's facility is a landfill, asked them to tell us the type of landfill. If the facility is a timber products operation, asked them to identify any outfalls that receive discharges from wet decking areas.

F. Added this new subsection stating that the Department will post all registration statements received to the agency's public web site for 30 days prior to the Department granting coverage under the general permit.

Section 65 - Termination of permit coverage. Removed the requirement that the termination notice has to be filed within 30 days after they meet one of three possible conditions (the owner can now file the notice anytime).

Section 70 - General permit.

Part I A - Effluent Limitations, Monitoring Requirements and Special Conditions.

- 1. Monitoring. Broke the monitoring into three sections: (a) quarterly visual monitoring; (b) benchmark monitoring for specific industrial activities; and (c) compliance monitoring for facilities subject to numerical effluent limitations or discharges to impaired waters.
 - a. Quarterly Visual Monitoring. Clarified that if no qualifying rainfall event occurred "during daylight hours" for that quarter, the permittee is excused from the quarterly visual monitoring that quarter. For inactive and unstaffed sites, clarified the monitoring waiver to add that there must be "no industrial materials or activities exposed to storm water" for them to qualify for this waiver. Moved the Representative Outfalls section up from the Part I A 2 "Monitoring Instructions" section. Added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period.
 - b. Benchmark Monitoring. Updated Table 70-1 to show the industrial sectors that had monitoring requirements added (sectors N, P, R, S, U, and AD), and the revised benchmark monitoring parameters. Clarified that benchmark monitoring must be performed at least once during at least the first two, and potentially all monitoring periods, unless they qualify for a waiver; defined the monitoring periods; added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period. Clarified that benchmark monitoring waiver requests will be evaluated by DEQ based upon (1) benchmark monitoring results below the applicable benchmark concentration values; (2) a favorable compliance history (including inspection results); and (3) no outstanding enforcement actions. Also added that the benchmark monitoring waivers may be revoked by DEQ for cause. Clarified the monitoring waiver for inactive and unstaffed sites to add that there must be "no industrial materials or activities exposed to storm water" for them to qualify for this waiver. Moved the Representative Outfalls section up from the Part I A 2 "Monitoring Instructions" section.
 - c. Compliance Monitoring For Discharges Subject To Numerical Effluent Limitations or Discharges to Impaired Waters. Broke this into four subsections: (1) facilities subject to storm water effluent limitation guidelines; (2) coal pile runoff monitoring; (3) facilities discharging to an impaired water with a Board established and EPA approved TMDL wasteload allocation; and, (4) facilities discharging to an impaired water without a Board established and EPA approved TMDL wasteload allocation.
 - (1) Facilities subject to storm water effluent limitation guidelines. Clarified that monitoring must be performed at least once during each of the monitoring periods; defined the monitoring periods; added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period.
 - (2) Coal Pile Runoff Monitoring. Clarified that monitoring must be performed at least once during each of the monitoring periods; defined the monitoring periods; added a section to indicate when the monitoring starts if the facility's permit coverage is effective less than a month from the end of a monitoring period.
 - (3) Facilities discharging to an impaired water with a Board established and EPA approved TMDL wasteload allocation (WLA). This is a new section for this reissuance. Facilities will be given written notification from DEQ that they are subject to TMDL monitoring. Required the monitoring to be conducted at least semi-annually; defined

the monitoring periods; indicated when the monitoring starts if the facility is notified that they are subject to the TMDL monitoring requirements less than a month from the end of a monitoring period. Included a provision that allows facilities to discontinue the TMDL monitoring after the first four monitoring periods (subject to Department approval) if the pollutant subject to the TMDL is not detected in any of the samples.

(4) Facilities discharging to an impaired water without a Board established and EPA approved TMDL wasteload allocation (WLA). This is a new section for this reissuance. Facilities will be given written notification from DEQ that they are subject to the impaired water monitoring. Facilities must monitor once during the monitoring period (essentially annually) for all the pollutants that are causing the impairment. Facilities may be waived from further monitoring if the pollutant is not present in their discharge, or the presence is due solely to natural background conditions. Monitoring must be submitted annually on a DMR to the Department.

- 2. Monitoring Instructions. Deleted the Monitoring Periods subsection and moved it to each of the individual monitoring sections. Moved the Representative Outfalls subsection to the quarterly visual monitoring and benchmark monitoring sections since that provision only applies to those types of monitoring. Added a requirement that a facility document in the SWPPP any inability to obtain a sample, of no rain event, or of no "measurable" storm event.
- 3. Monitoring waivers. Deleted the alternative certification of "not present" or "no exposure" to be consistent with EPA's final 2008 MSGP.
- 4. Reporting Monitoring Results. For effluent limitation monitoring, specified that the DMR due date is January 10th. Added a section requiring TMDL WLA monitoring to be submitted by July 10th and January 10th. Changed the benchmark monitoring section to require monitoring to be submitted on a DMR by January 10th. Added a follow-up monitoring section requiring this monitoring to be submitted on a DMR no later than 30 days after the results are received. Added a significant digits section to discuss the number of significant digits to report the monitoring data to.
- 5. Corrective Actions. Added this section that describes actions that the permittee must take if (a) benchmark monitoring results exceed benchmark monitoring concentrations; (b) routine facility inspections, comprehensive site compliance evaluations, facility inspections, or other observations result in discovery of a deficiency; or (c) there is an exceedance of an effluent limitation, TMDL wasteload allocation or a water quality standard. For exceedances of an effluent limitation, TMDL wasteload allocation or a water quality standard, the permittee must conduct follow-up monitoring and reporting on the schedule set in the permit until the results indicate that the limitation/allocation/standard is no longer being exceeded.

Added a sentence to Part I A 5 a (1) (Data Exceeding Benchmark Concentration Values) that allows a facility extra time if construction is necessary to implement BMPs that are added in response to the required SWPPP evaluation. Also added this provision into the Part I A 5 b (3) (Corrective Actions) subsection.

Added subsection Part I A 5 a (2) that allows a facility to forgo corrective action for benchmark exceedances where the exceedance is due to natural background conditions.

Part I B - Special Conditions

- 1. Allowable Non-storm Water Discharges. Deleted the phrase "provided the nonstorm water component of the discharge is in compliance with Part III D 2 (Nonstorm water discharges) of this general permit:". Added a list of the non-storm water discharges from the Sector Specific SWPPP section (Part IV) that are specifically not authorized by the permit.
- 6. Salt storage piles. Added a requirement for the permittee to implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting

from adding to or removing materials from the salt pile. Added a requirement for all salt storage piles to be located on an impervious surface, and a requirement that all runoff from the pile, and/or runoff that comes in contact with salt, including under drain systems, be collected and contained within a bermed basin lined with concrete or other impermeable materials, or within an underground storage tank, or within an above ground storage tank, or disposed of through a sanitary sewer (with the permission of the treatment facility). A combination of any or all of these methods may be used. Salt contaminated stormwater is not allowed to be discharged directly to the ground or to state waters.

- 7. Discharges to Waters Subject to TMDL WLAs. Added this special condition requiring facilities that are a source of the pollutant of concern to TMDL waters (Board established and EPA approved prior to the term of the permit) to incorporate measures and controls into their SWPPP to address the TMDL requirements, to implement BMPs designed to meet any specific waste load allocations that apply to the facility, and to perform any required monitoring. DEQ will notify the permittee that they are subject to the TMDL requirements, and if there are monitoring requirements associated with the TMDL.
- 8. Water Quality Protection. Added several sentences from EPA's final 2008 MSGP requiring the permittee to control discharges as necessary to meet applicable water quality standards, and indicating that it is expected that compliance with the conditions of this permit will control discharges as necessary to meet applicable water quality standards.

Added "an excursion above a TMDL waste load allocation" to the list of things that the Board may potentially take action on.

- 9. Adding/Deleting Storm Water Outfalls. Added this special condition to allow the permittee to add or delete storm water outfalls at the facility as necessary or appropriate. The permittee has to update the SWPPP and notify DEQ of the change within 30 days of the change.
- 10. Antidegradation Requirements for New or Increased Discharges to High Quality Waters. Added this special condition to discuss how new or expanded discharges from a facility may be subject to additional SWPPP control measures, or may require that the facility apply for an individual permit in order to meet the applicable antidegradation requirements.

Part II - Conditions Applicable to All VPDES Permits

- B 2. (Retention of records). Modified the records retention requirement to require that records be kept for three years following the date that coverage under this permit expires or is terminated, to be consistent with EPA's final 2008 MSGP.
- M. Duty to Reapply. To be consistent with the Registration Statement section, changed the time to submit a registration statement to reapply for permit coverage from 180 to 90 days prior to the expiration date of the permit.

Part III - Storm Water Pollution Prevention Plan

- A 1. Deadlines for Plan Preparation and Compliance - Facilities That Were Covered Under the 2004 ISWGP. Changed the requirement to allow existing permittees until October 1st, 2009 to review and update their SWPPP.
- B. Contents of the Plan
 - B 2 c. Site Map. Added the following things to show on the map: size of the property; location and extent of significant structures and impervious surfaces; locations of all storm water conveyances; location of any salt piles; and the location of any MS4s the facility discharges to.

- B 5. Sampling Data. Clarified that the summary of existing sampling data is for storm water sampling data, and stated that, at a minimum, the summary must include data from the previous permit term.
- B 6. Storm Water Controls. Extensively rewrote B 6 a and the introduction to B 6 b to conform to changes made by EPA in their proposed 2006 MSGP, and their final 2008 MSGP. Eliminated the subsection headings of "(1) Nonstructural BMPs" and "(2) Structural BMPs", and listed all the BMPs types that must be implemented under subsection B 6 b. Added a title to B 6 b ("Control Measures (Non-numeric Technology-based Effluent Limits)") to be consistent with EPA's final 2008 MSGP. Edited the BMP descriptions to conform to the changes EPA made in their proposed 2006 MSGP.

B 6 b (5). Waived the routine facility inspection requirement for facilities that maintain an active E3/E4 status with DEQ. Added a requirement that at least once each calendar year the routine facility inspection shall be conducted during a period when a storm discharge is occurring. Changed the time period to correct deficiencies in the implementation of the SWPPP from 14 days to 30 days to be consistent with the Part I A 5 (Corrective Actions) requirement.
- C. Maintenance. Added a requirement that storm water BMPs be observed during active operation to ensure they are operating properly. Modified the remainder of the section to conform to changes EPA made in their proposed 2006 MSGP. Changed the documentation requirements for maintenance activities to be consistent with EPA's final 2008 MSGP.
- D. Non-storm Water Discharges. Moved the certification of non-storm water discharges requirement to the Part III E "Comprehensive Site Compliance Evaluation" section (Part III E 1 h).
- E. Comprehensive Site Compliance Evaluation. Deleted the requirement that at least one member of the Pollution Prevention Team participate in the comprehensive site compliance evaluation, and added a statement that the personnel conducting the evaluations may be either facility employees or outside constituents hired by the facility.
 - E 1. Added the following things for facility personnel to evaluate: (1) evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring; (2) review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs; and (3) Certification of outfall evaluation for unauthorized discharges (this had been in the Part III C non-storm water discharges section). Changed this to an annual evaluation, and not a certification. Deleted the E 1 h (2) notification requirement and replaced it with an allowance for the permittee to request approval from the Department to be able to evaluate 20% of their outfalls annually on a rotating basis such that all outfalls are evaluated over the permit term.
 - E 2. SWPPP Modifications. Changed the time to complete revisions from 14 days to 30 days to be consistent with the Part I A 5 (Corrective Actions) requirement.
- F. Signature and Plan Review. Modified this section to be consistent with the changes EPA made for their final 2008 MSGP.
- G. Maintaining an Updated SWPPP.
 - G 1. Added the following conditions specifying when the SWPPP needs to be reviewed and, if appropriate, amended: (1) there is a spill, leak or other release at the facility; (2) there is an unauthorized discharge from the facility; and (3) the DEQ notifies the permittee that a TMDL has been developed and applies to the facility.
 - G 2. Added this subsection specifying when SWPPP modifications need to be made.

- G 3. Added this subsection requiring specific information to be included if the SWPPP modification is based on a release or unauthorized discharge.
- H. Special Pollution Prevention Plan Requirements. Consistent with EPA's final 2008 MSGP, deleted this section, which dealt with additional requirements for facilities discharging through MS4s, and for facilities subject to EPCRA § 313 reporting requirements.

Part IV - Sector Specific Permit Requirements

- Renamed "Monitoring Cut-off Concentrations" to "Benchmark Concentrations".
- Sector A - Timber Products. Removed the benchmark monitoring for Zinc under the "General Sawmills and Planing Mills" (SIC 2421) category.
- Sector F - Primary Metals. Changed the routine facility inspection frequency from quarterly to monthly to be consistent with EPA's proposed 2006 MSGP.
- Sector G - Metal Mining. Added the following to the description of covered discharges: (1) storm water discharges from exploration and development of metal mining and/or ore dressing facilities; and (2) storm water discharges from facilities at mining sites undergoing reclamation. Added the EPA definition of Final Stabilization. Added a section on "Clearing, Grading and Excavation Activities" from EPA's 2006 proposed MSGP. Deleted the separate section for "Inactive mining facilities" and included them in the section for "Active and temporarily inactive facilities". Added a section for "Termination of permit coverage" from EPA's 2006 proposed MSGP. Deleted the benchmark monitoring requirements for discharges from waste rock and overburden piles from Table 150-1, and put them in a new Table 150-2. Deleted the benchmark monitoring for Manganese to be consistent with EPA's final 2008 MSGP. Changed old Table 150-2 to Table 150-3.
- Sector I - Oil and Gas Extraction and Refining. Changed the routine facility inspection frequencies to monthly (two places) to be consistent with EPA's proposed 2006 MSGP.
- Sector L - Landfills. Deleted the definitions of "Land treatment facility", "Landfill", and "Surface Impoundment" to be consistent with EPA's final 2008 MSGP.
- Sector M - Automobile Salvage Yards. Added mercury switches to the list of things to inspect for leaks, and to train personnel on the proper handling of.
- Sector N - Scrap Recycling and Waste Recycling Facilities. Added requirements for mercury switch removal, inspection and spill clean-up as per EPA's proposed 2006 and final 2008 MSGP. For scrap recycling and waste recycling facilities (both types), changed the inspection frequency from quarterly to monthly to be consistent with EPA's proposed 2006 MSGP. For facilities engaged in "Ship Dismantling, Marine Salvaging and Marine Wrecking" (SIC 4499), added benchmark monitoring for Aluminum, Cadmium, Chromium, Iron, Lead and Zinc, and TSS.
- Sector P - Land Transportation and Warehousing. Added benchmark monitoring for TPH and TSS.
- Sector R - Ship and Boat Building or Repair Yards. Added benchmark monitoring for TSS.
- Sector S - Air Transportation. Added benchmark monitoring for COD and TSS.
- Sector U - Food and Kindred Products. Changed the routine facility inspection frequency to monthly to be consistent with EPA's proposed 2006 MSGP. Added benchmark monitoring for BOD₅ and TSS to "Dairy Products Facilities" (SIC 2021-2026).
- Sector AD - Non-classified Facilities/Storm Water Discharges Designated by the Board. Added benchmark monitoring for TSS.